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The Gazette of India



EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY

No. 29] NEW DELHI, MONDAY, AUGUST 3, 1959/SRAVANA 12, 1881

LOK SABHA

The following Bills were introduced in Lok Sabha on the 3rd August, 1959:—

*BILL NO. 49 OF 1959

A Bill to provide for the transfer of certain territories from the State of Rajasthan to the State of Madhya Pradesh and for matters connected therewith.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Rajasthan and Madhya Pradesh Short title. (Transfer of Territories) Act, 1959.

- 5 2. In this Act, unless the context otherwise requires,— Definitions
- (a) "appointed day" means the 1st day of October, 1959;
 - (b) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950;
 - 10 (c) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;
 - 15 (d) "transferred territories" means the territories specified in the First Schedule and transferred from the State of Rajasthan to the State of Madhya Pradesh by section 3.
3. (1) As from the appointed day, there shall be added to the State of Madhya Pradesh the territories specified in the First

*The President has, in pursuance of proviso to article 3 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

Transfer of territories from Rajasthan to Madhya Pradesh.

Schedule which shall thereupon cease to form part of the State of Rajasthan.

(2) The transferred territories shall be included in, and form part of, Bhanpura pargana of Mandsaur district in the State of Madhya Pradesh. 5

(3) Nothing in sub-section (2) shall be deemed to affect the power of the State Government to alter after the appointed day the name, extent or boundaries of any district in the State of Madhya Pradesh.

Amendment of the First Schedule to the Constitution. 4. As from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

(a) in the entry against "6. Madhya Pradesh", after the words and figures "States Reorganisation Act, 1956", the words, brackets and figures "and the First Schedule to the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959" shall be inserted; 15

(b) in the entry against "11. Rajasthan", after the words and figures "States Reorganisation Act, 1956", the words, brackets and figures "but excluding the territories specified in the First Schedule to the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959" shall be inserted. 20

Amendments of Delimitation Orders. 5. The Delimitation of Parliamentary and Assembly Constituencies Order, 1956, and the Delimitation of Council Constituencies (Madhya Pradesh) Order, 1957, shall have effect subject to the modifications specified in the Second Schedule. 25

Provision as to sitting members. 6. (1) The sitting members of the House of the People representing Mandsaur constituency in the State of Madhya Pradesh and Kotah constituency in the State of Rajasthan shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the House of the People. 30

(2) The sitting members of the Legislative Assemblies of Madhya Pradesh and Rajasthan representing Garoth constituency and Begun constituency respectively shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the said Assemblies. 35

Extension of Jurisdiction of Madhya Pradesh High Court.

7. (1) As from the appointed day,—

(a) the jurisdiction of the High Court of Madhya Pradesh shall extend to the transferred territories; and 40

(b) the High Court of Rajasthan shall have no jurisdiction in respect of the said territories.

(2) If, immediately before the appointed day, there is any proceeding relatable to the transferred territories pending in the High Court of Rajasthan, then, notwithstanding anything contained in sub-section (1), such proceeding shall be heard and disposed of by that High Court.

(3) Any order made by the High Court of Rajasthan in any proceeding with respect to which that High Court exercises jurisdiction by virtue of sub-section (2), shall, for all purposes, have effect, not only as an order of the High Court of Rajasthan, but also as an order made by the High Court of Madhya Pradesh.

(4) For the purposes of this section,—

(a) proceedings shall be deemed to be pending in the High Court of Rajasthan until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(b) references to a High Court shall be construed as including references to a Judge or Division Court thereof, and references to an order made by a Court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that Court or Judge.

8. As from the appointed day, any Act passed by the Legislature of Madhya Pradesh before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1959-60 shall have effect also in relation to the transferred territories, and it shall be lawful for the State Government to spend any amount for those territories out of the amount authorised by such Act to be expended for any services in that State.

9. (1) All land and all stores, articles and other goods in the transferred territories belonging to the State of Rajasthan shall, as from the appointed day, pass to the State of Madhya Pradesh.

*Explanation.—*In this sub-section, the expression "land" includes immovable property of every kind and any rights in or over such property and the expression "goods" does not include coins, bank notes and currency notes.

(2) All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the State of Rajasthan in relation to the

transferred territories shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the State of Madhya Pradesh.

State Financial Corporations and State Electricity Boards.

10. As from the appointed day,—

(a) the Financial Corporations constituted under the State Financial Corporations Act, 1951, for the States of Rajasthan and 63 of 1951. Madhya Pradesh, and

(b) the State Electricity Boards constituted under the Electricity (Supply) Act, 1948, for the said States,

shall be deemed to have been constituted for those States with their 10 areas as altered by the provisions of section 3.

Extension of laws.

11. All laws which immediately before the appointed day extend to, or are in force in, the Mandsaur district in the State of Madhya Pradesh but do not extend to, or are not in force in, the transferred territories shall, as from that day, extend to, or as the case may be, 15 come into force in, the transferred territories; and all laws which, immediately before the appointed day, are in force in the transferred territories, but not in the Mandsaur district in the State of Madhya Pradesh, shall, on that day, cease to be in force in the transferred territories, except as respects things done or omitted to be done before 20 that day.

Explanation.—In this section “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of Madhya Pradesh or Rajasthan.

Power to construe laws.

12. Any court, tribunal or authority required or empowered to enforce any law extended to the transferred territories by section 11 may, for the purpose of facilitating its application in relation to the transferred territories, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the 30 matter before the court, tribunal or authority.

Legal proceedings.

13. Where, immediately before the appointed day, the State of Rajasthan is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the State of Madhya Pradesh under this Act, that State shall be deemed to be substituted for the 35 State of Rajasthan as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

Transfer of pending proceedings.

14. (1) Every proceeding pending immediately before the appointed day before any court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the State of

Rajasthan shall, if it is a proceeding relating exclusively to any part of the transferred territories, stand transferred to the corresponding court, tribunal, authority or officer in the State of Madhya Pradesh.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court of Rajasthan and the decision of that High Court shall be final.

(3) In this section,—

(a) "proceeding" includes any suit, case or appeal; and

10 (b) "corresponding court, tribunal, authority or officer" in Madhya Pradesh means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

15 (ii) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of Madhya Pradesh, or before the appointed day by the Government of Rajasthan, to be the corresponding court, tribunal, authority or officer.

20 • 15. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Effect of provisions inconsistent with other laws.

16. If any difficulty arises in giving effect to the provisions of this Act (including any difficulty in relation to the transition under section 11 from one law to another law), the President may by order do 25 anything not inconsistent with any such provision which appears to him to be necessary for the purpose of removing the difficulty.

Power to remove difficulties.

17. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid as soon as may 30 be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both 35 Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

[See sections 2(d) and 3]

TERRITORIES TRANSFERRED FROM THE STATE OF RAJASTHAN TO THE STATE OF
MADHYA PRADESH

The following territories comprised within the villages specified below in Bhensrongarh 5
tahsil of Chittor district, namely:—

Name of village	Sheet No.	Area in		
		Khasara No.	Bighas	Biswas IO
I	2	3	4	
Dotada	11	361	124	10
	12	362	814	..
	13	363	173	3
	13	364	572	16
	14	365	926	14 15
	14	366	15	16
	14	367	200	..
	14	368	202	16
	15	369	364	15
	15	370	239	7 20
	13	371	14	18
		TOTAL .	3 648	15
Pipalda	5	220	730	..
	5	221	49	..
	6	222	535	.. 25
	6	223	142	12
		TOTAL .	1,456	12
Larkheda	7	118	..	10
	7	119	248	..
	8	120	292	1 30
	8	121	138	2
		TOTAL .	678	13
GRAND TOTAL .	.	5,784	Bighas or 3,685 Acres.	35

THE SECOND SCHEDULE

(See section 5)

PART I

5 Modifications of the First Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956

1. In Part "6—MADHYA PRADESH", the Note at the end shall be re-numbered as "NOTE I" and the following shall be added thereto, namely:—
- 10 "NOTE II:—Any reference to Mandsaur district in column 3 of this Part shall be taken to mean the area comprised within that district on the 1st day of October, 1959.".
2. In Part "11—RAJASTHAN", the following Note shall be added at the end, namely:—
- 15 "NOTE:—Any reference in column 3 of this Part to Chittor district or Bhensrorgarh tahsil, shall be taken to mean the area comprised within that district or tahsil on the 1st day of October, 1959.".

PART II

20 Modification of the Second Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956

1. In Part "6—MADHYA PRADESH", the Note at the end shall be re-numbered as "NOTE I" and the following shall be added thereto, namely:—
- 25 "NOTE II:—Any reference in column 3 of this Part to Bhan-pura pargana of Mandsaur district shall be taken to mean the area comprised within that pargana on the 1st day of October, 1959.".
2. In Part "11—RAJASTHAN", the following Note shall be added at the end, namely:—
- 30 "NOTE:—Any reference in column 3 of this Part to Bhensrorgarh tahsil of Chittor district shall be taken to mean the area comprised within that tahsil on the 1st day of October, 1959.".

PART III

35 Modification of the Delimitation of Council Constituencies (Madhya Pradesh) Order, 1957

After the Table, the following Note shall be inserted, namely:—

- 40 "NOTE:—Any reference in column 2 of this Table to Indore Division shall be taken to mean the area comprised within that Division on the 1st day of October, 1959.".

STATEMENT OF OBJECTS AND REASONS

The present site of the Gandhi Sagar Dam on the river Chambal lies partly in the State of Rajasthan and partly in the State of Madhya Pradesh. The construction camp, a part of the dam site and some of the works at the site lie in Rajasthan territory although the works are being executed by the Madhya Pradesh Government. Both the Rajasthan and Madhya Pradesh Governments have agreed that in the interest of proper and smooth execution of this project, an area of 3,085 acres of land on the dam site may be transferred from the State of Rajasthan to the State of Madhya Pradesh. The Bill seeks to give effect to this transfer.

2. The Bill makes the necessary supplemental and incidental provisions relating to representation in the Legislatures, transfer of jurisdiction to the High Court of Madhya Pradesh, authorisation of expenditure, transfer of assets and liabilities to Madhya Pradesh and certain other matters.

3. As required by the proviso to article 3 of the Constitution, the Bill was referred to the Legislatures of the States of Rajasthan and Madhya Pradesh by the President for expression of their views on the Bill. Both the State Legislatures have agreed to the principles and proposals contained in the Bill.

GOVIND BALLABH PANT.

NEW DELHI,

The 24th July, 1959.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules generally to give effect to the provisions of the Bill when enacted. The rules, if any, will be confined to matters of procedure and other matters of minor detail relating to the enforcement of the provisions regarding transfer of territories. The delegation of legislative power is thus of a normal type.

BILL No. 46 OF 1959

A Bill to amend the Wakf Act, 1954.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Wakf (Amendment) Act, 1959.

**Amendment
of section**

2. In sub-section (3) of section 1 of the Wakf Act, 1954 (hereinafter referred to as the principal Act),—

29 of 1954.

5

(a) in the proviso, the word "Delhi," shall be omitted; and

(b) after the proviso, the following further proviso shall be inserted, namely:—

"Provided further that where on account of the territorial changes brought about by the States Reorganisation Act, 1956, this Act is, as from the 1st day of November, 1956, applicable only to a part of a State, the Central Government may, by notification in the Official Gazette, bring this Act into force in the remaining part of that State with effect from such date as may be specified in the notification." 15

37 of 1956.

**Amendment
of section 10.**

3. For sub-section (1) of section 10 of the principal Act, the following sub-section shall be substituted, namely:—

"(1) The Board shall consist of—

(a) eleven members, in the case of a State and the Union territory of Delhi; and

20

(b) five members, in the case of any other Union territory".

4. After section 66 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
66A and 66B.

27 of 1956.

- 5** '66A. (1) Where on account of the reorganisation of States under the States Reorganisation Act, 1956, the whole or any part of a State in respect of which a Board was, immediately before the 1st day of November, 1956, functioning has been transferred on that day to another State and by reason of such transfer, it appears to the Government of a State in any part of which the Board is functioning that the Board should be dissolved or that it should be reconstituted and reorganised as an intra-State Board for the whole or any part of that State, the State Government may frame a scheme for such dissolution or such reconstitution and reorganisation, as the case may be, including proposals regarding the transfer of the assets, rights and liabilities of the Board to any other Board or State Government and the transfer or re-employment of employees of the Board and forward the scheme to the Central Government.
- (2) On receipt of a scheme forwarded to it under sub-section (1), the Central Government may, after consulting the State Governments concerned, approve the scheme with or without modifications and give effect to the scheme so approved by making such order as it thinks fit.
- (3) An order under sub-section (2) may provide for all or any of the following matters, namely:—
- 25** (a) the dissolution of the Board;
- (b) the reconstitution and reorganisation in any manner whatsoever of the Board including the establishment, where necessary, of a new Board;
- 30** (c) the area in respect of which the reconstituted Board or new Board shall function and operate;
- (d) the transfer, in whole or in part, of the assets, rights and liabilities of the Board (including the rights and liabilities under any contract made by it) to any other Board or State Government and the terms and conditions of such transfer;
- 35** (e) the substitution of any such transferee for the Board, or the addition of any such transferee, as a party to any legal proceeding to which the Board is a party; and the transfer of any proceeding pending before the Board to any such transferee;

(f) the transfer or re-employment of any employees of the Board to, or by, any such transferee and subject to the provisions of section 111 of the States Reorganisation Act, 1956, the terms and conditions of service applicable to such employees after such transfer or re-employment;

37 of 1956.

5

(g) such incidental, consequential and supplemental matters as may be necessary to give effect to the approved scheme.

(4) Where an order is made under this section transferring the assets, rights and liabilities of any Board, then, by virtue of that order, such assets, rights and liabilities of the Board shall vest in, and be the assets, rights and liabilities of, the transferee.

(5) Every order made under this section shall be published in the Official Gazette and this Act and the notifications issued thereunder shall have effect subject to the provisions of the order.

(6) Every order made under this section shall be laid before each House of Parliament, as soon as may be, after it is made.

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Special provision for establishment of Board for part of a State.

66B. (1) Where on account of the territorial changes brought about by the States Reorganisation Act, 1956, this Act is, as from the 1st day of November, 1956, applicable only to any part or parts of a State but has not been brought into force in the remaining part thereof, then, notwithstanding anything contained in this Act, it shall be lawful for the Government of the State to establish one or more Boards for such part or parts and in such a case, any reference in this Act to the word "State" in relation to a Board shall be construed as a reference to that part of the State for which the Board is established.

37 of 1956.

25

(2) Where any such Board has been established and it appears to the Government of the State that a Board should be established for the whole of the State, the State Government may, by order notified in the Official Gazette, dissolve the Board established for the part of the State or reconstitute and reorganise such Board or establish a new Board for the whole of the State and thereupon, the assets, rights and liabilities of the Board for the part of the State shall vest in, and be the assets, rights and liabilities of the reconstituted Board or the new Board, as the case may be.

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STATEMENT OF OBJECTS AND REASONS

Prior to the reorganisation of States on the 1st November, 1956, the Wakf Act, 1954, was brought into force in certain States only and Boards of Wakfs had also been set up for some of them. The Act was not, however, brought into force in all the States. On account of the reorganisation of States, certain difficulties have arisen in the working of this Act. Some of the Boards established under the Act have, since 1st November, 1956, been functioning in respect of two or more States, while in some other cases there is more than one Board functioning in the same State. This is not a satisfactory arrangement. It is, therefore, necessary to reconstitute such Boards as intra-State bodies. It is accordingly proposed to empower the Central Government to make, wherever necessary, suitable orders for the reconstitution of these Boards and for the division of their assets and liabilities. In regard to the composition of the Boards, the Act makes a distinction between Part A States, Part B States and Part C States. This distinction no longer holds good. It is, therefore, proposed to provide that each Board, when it is constituted for any of the States or the Union territory of Delhi, should have eleven members while the Board for any other Union territory, should have five members only.

2. In some of the States, the Act is in force in certain parts only and it is proposed to empower the Central Government to bring the Act into force in the remaining part of such States. If, however, for any reason it is not found feasible to bring the Act into force in the remaining part of any such State and establish a Board for the whole of the State, it would at least be desirable to have a Board for such part or parts of the State where the Act is already in force. Under the Act, as it stands at present, it is not permissible for a State Government to form a Board for a part of a State only. It is, therefore, proposed to empower a State Government to establish a Board for a part of a State also in such cases.

3. The present Bill seeks to achieve these objects.

H. MOHAMMAD IBRAHIM.

NEW DELHI;
The 9th July, 1959.

MEMORANDUM REGARDING DELEGATED LEGISLATION

New section 66A inserted by clause 4 of the Bill empowers the Central Government to make an order to give effect to a scheme for the reorganisation of any Board which, on account of the reorganisation of States, is functioning in more than one State, at the instance of any of the State Governments concerned with that Board. The State Government would frame a scheme for the purpose and the Central Government, after consulting the other State Governments, would give effect to the scheme by making an order and notifying it in the Official Gazette. Having regard to the circumstances of the case, the delegation of legislative power is of a normal character. Moreover, every order to be made under new section 66A shall be laid before both Houses of Parliament.

BILL No. 50 or 1959

A bill to extend the period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakfs.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Wakfs (Extension of Limitation) Act, 1959.
Short title and extent.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, “public wakf” means the permanent dedication by a person professing Islam of any immovable property for any purpose recognised by Muslim Law as a public purpose of a pious, religious or charitable nature.
Definition.

3. Where a person entitled to institute a suit of the description referred to in article 142 or article 144 of the First Schedule to the Indian Limitation Act, 1908, for possession of any immovable property forming part of a public wakf or any interest therein has been dis-
15 possessed, or has discontinued the possession, at any time after the 14th day of August, 1947, and before the 7th day of May, 1954, or, as the case may be, the possession of the defendant in such a suit has become adverse to such person at any time during the said period, then, notwithstanding anything contained in the said Act, the period of limitation in respect of such a suit shall extend up to the 15th day of August, 1967.
Extension of period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakfs.

Repeal and
saving.

4. (1) The Public Wakfs (Extension of Limitation) Ordinance,
1959, is hereby repealed.
2 of 1959.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 20th day of July, 1959.

STATEMENT OF OBJECTS AND REASONS

Following the partition of the country in August, 1947, a number of wakf properties passed into unauthorised hands. Many of the mutwallis who were in charge of these properties had migrated to Pakistan and the few who stayed behind could not for various reasons institute civil proceedings for the recovery of possession of these properties. The result is, that ever since the partition, a large number of these wakf properties has been in the possession of unauthorised occupants. Under the law as it stands at present, the title of the true owners would be extinguished, if the properties are in adverse possession for twelve years or more. It is, therefore, proposed to extend the period of limitation up to the 15th August, 1967, in respect of suits for the recovery of possession of any immovable property forming part of a public wakf in any case where the dispossession has taken place at any time between the 15th August, 1947 (the date of partition) and the 7th May, 1954 (the date from which power to declare any property as evacuee property under the Administration of Evacuee Property Act, 1950, ceased). This would enable the Wakf Boards constituted under the Wakf Act and other interested persons to institute such suits.

Since the period of limitation in some cases would expire in August, 1959, an Ordinance was promulgated for making the necessary alteration in the law of limitation. The present Bill seeks to replace the Ordinance by an Act of Parliament.

NEW DELHI;

A. K. SEN.

The 31st July, 1959.

M. N. KAUL,
Secretary.

CORRIGENDA

In the Gazette of India Extraordinary, Part II—Section 2,—

1. No. 2, dated the 9th February, 1959, page 41, line 41 from the top for "5 of 1952" read "35 of 1952" as marginal reference.

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2. No. 8, dated the 28th February, 1959, page 187, *read* "Amendment of section 4." as marginal heading to clause 3.
 3. No. 9, dated the 4th March, 1959, page 261, *for* "Obligation to appoint as agent" *read* "Obligation to appoint State Bank as agent." as marginal heading.
 4. No. 14, dated the 20th March, 1959, page 329, line 6 from the top *for* "13 of 1951" *read* "43 of 1951" as marginal reference.
 5. No. 18, dated the 14th April, 1959, page 365, line 6 from the top *for* "44 of 954" *read* "44 of 1954" as marginal reference.
 6. No. 19, dated the 18th April, 1959, page 370, *for* "Action to be taken Police Officer." *read* "Action to be taken by the Police Officer." as marginal heading to clause 7.
 7. No. 22, dated the 27th April, 1959, page 405, line 4 from the top *after* "in India but which" *read* "will".
 8. No. 23, dated the 1st May, 1959:—
 - (i) Page 436, line 3 from the bottom *for* "one" *read* "the".
 - (ii) Page 482, line 6 from the top *for* "of 1910" *read* "9 of 1910" as marginal reference.
